

COMMISSION MEETING MINUTES
September 26, 2006

The Board of Davis County Commissioners met in the Commission Chambers of the Davis County Courthouse, Farmington, Utah on September 26, 2006. Members present were Chairman Carol R. Page, Commissioner Dannie R. McConkie, Commissioner Alan Hansen, Clerk/Auditor Steve S. Rawlings, Chief Deputy Civil County Attorney Gerald E. Hess, and Commission Office Manager Linda May.

Public Hearing
for CDBG
Program

Commissioner McConkie made a motion to open the public hearing for the CDBG program. Commissioner Hansen seconded the motion. All voted aye.

Discuss of
CDBG
Program
Guidelines and
Comments
from
Applicants

Commissioner Page stated that this hearing is being called to consider potential projects for which funding may be applied under the 2006-2007 Community Development Block Grant Program.

Dellell Fifield, Davis County Community and Economic Development, explained that the grant money must be spent on projects benefiting primarily low and moderate income person. Wasatch Front Regional Council in which Davis County is a member, is expecting to receive approximately \$750,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. DeeEll read several of the eligible activities listed such as construction of public works and facilities, water and sewer lines, acquisition of real property, provision of public services such as food banks or homeless shelters. Davis County has a capital investment plan as part of the regional “Consolidated Plan” and it can be viewed in the Community and Economic Development Office. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name before they speak.

The following individuals spoke:

Franciska Meacham, Davis Applied Technology College Foundation, Inc. – Through the generous fund of the previous CDBG request and the strong private sector partnership, the DATC Foundation has been able to provide Davis County with the Roy W. and Elizabeth E. Simmons Entrepreneurship Center. This partnership is very valuable and we have appreciated and used wisely the CDBG monies to help further economic development for Davis County. The primary service still missing from the success formula is the gap funding issue. This funding is a critical element and is needed to continue a successful path toward a strong entrepreneurial presence in the area. The DATC Foundation is requesting \$250,000 CDBG funds for the express purpose of initiating a loan fund which will be administered with strict bank practices with a strong collateral position to secure loan funds and protect against unnecessary risk.

Kay Card, Safe Harbor Executive Director, stated that they are requesting \$125,000 to provide services for victims of rape, victim assistance, and daycare.

Mary Lewis, Davis Community Housing Authority, stated that they are requesting \$50,000 which would be used to provide loans for needed home repairs for residents who qualify.

Debra Lee Synder and Danielle Falcione, Family Connection – Food Bank, stated that they are requesting \$15,000 for motel vouchers, \$10,000 for emergency services (shut off of utilities, eviction notices, etc.) and \$30,000 down payment for a building to be used to train for job skills.

Doug Miller, Davis County Children’s Justice Center Director, stated that they are requesting \$93,800 to expand size of the office for nurses, repaint, carpet, roofing, and equipment at the center.

DeeEll Fifield, Davis County Community and Economic Development, stated that he had received a letter from the Road Home requesting \$20,000 for room nights at the shelter.

No other comments were received from the public.

Close Public
Hearing

Commissioner Hansen made a motion to close the public hearing. Commissioner McConkie seconded the motion. All voted aye.

Barbara
Gardner’s
Discussion of
HB 146 and its
Relationship to
“County
Cooperative
Agreements
with State for
Fire
Protection”

Barbara Gardner, Department of Natural Resources – Forestry, Fire and State Lands, discussed the process of instituting minimum standards for development with the unincorporated wildland urban interface as part of HB 146. It will soon enter a new stage. HB 146 modifies 65A-8-6 of the Utah Code – “County Cooperative Agreements with State for Fire Protection.” Counties, if they would like continued financial assistance from the state for fire protection, now need to adopt minimum standards. The adoption deadline is September 2006. If the county cannot meet the September deadline, a request in writing a letter of extension and providing of an explanation as to why a waiver of the rule is needed is required. Barbara said that there will be a training in Brigham City on October 25.

Jerry Hess, Davis County Attorney’s Office, prepared a letter of request for extension until November 30, 2006. The explanation as to why Davis County requests an extension is that we have not had enough time to review the 2006 Utah Wildland-Urban Interface Code. Additional time is needed to prepare the standards. Commissioner McConkie made a motion to authorize the Chairman to sign the letter. Commissioner Hansen seconded the letter. All voted aye.

Agreement
#2006-275
State of Utah
for Approval of
Funding Phase
II of Expansion
Program of
Davis
Conference
Center

Kent Sulser, Davis County Community and Economic Development, presented agreement #2006-275 with the State of Utah – Division of Housing and Community Development. It is a receivable in the amount of \$500,000 as approved by the 2006 legislature. The funding is for phase II expansion program of the Davis Conference Center. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Jerry Hess stated that he, Steve Rawlings, Davis County Clerk/Auditor, and Mark Altom, Davis County Treasurer attended the closing this morning of the bonds for the conference center. It is now a deal signed, sealed, and delivered in the amount of \$9,955,000.00.

Request for
Approval of
Sale of Davis
County Surplus
Property

Kent Sulser, Davis County Community and Economic Development, requested approval of a sale of Davis County surplus property. It will be a negotiated sell. The two parcels of property are approximately .4989 acres. One parcel is 5,784.1516 square feet and the other is 15,945.4690 square feet. These two parcels are located just off Highway 106 adjacent to the Height Subdivision in Farmington, Utah. The subject property is part of parcel 07-034-0064, and requires that an easement be granted back to Davis County for flood control work. The public is invited to comment on the proposed sale through October 30, 2006. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Change Order
#2005-53J for
Ascent
Construction
for Centerville
Branch Library

Barry Burton, Davis County Community and Economic Development, presented changed order #2005-53J for Ascent Construction for the Centerville Branch Library. It is for removal and replacement of additional asphalt to prevent excessive patching on the main drive after other modifications that were required. It is a payable in the amount of \$2,647.12. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2006-276 with
Thyssen Krupp
Elevator Corp.

Marshall Scott, Davis County Facilities Management Director, presented agreement #2006-276 with Thyssen Krupp Elevator Corporation. It is for elevator maintenance at the Memorial courthouse, Annex, Fair Park and Bountiful Library. It is a five-year contract at \$600/monthly. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2006-277
David L.
Jensen &
Associates for

Marshall Scott presented agreement #2006-277 with David L. Jensen and Associates. It is for the company to do the HVAC design, electrical design and bidding/construction administration for the Bountiful Library to include replacement of two HVAC systems that serve the mail level. There is a savings of \$3500 to

HVAC,
Electrical
Design &
Bidding Admin
for Bountiful
Library

Agreement
#2006-278
Hasler Inc. for
Rental of
Postage
Machine

Agreement
#2006-279
Dept of Public
Safety Funding
for Car Seat
Program

Agreement
#2006-280
Signature
Exhibits for
Bountiful
Branch Library

Agreement
#2006-281
Jordon World
Circus for
Rental of
Legacy Center

Agreement
#2006-282
USDA Forest
Service for
Rental of Davis
County Fair
Park Facilities

Agreement
#2004-440A
with PKS for
Lease of
Restaurant at
VVGc

Budget
Changes

have the drawing of two completed at this time. It is a payable in the amount of \$10,400.00. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Marshall Scott presented agreement #2006-278 with Hasler Inc. It is for the county to rent a postage meter. It will be a payable in the amount of \$780.00 per month for 13 – 24 months. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2006-279 with the Department of Public Safety, Utah Highway Safety Office for the Davis County Health Department was presented. It is for funding in the amount of \$15,000.00 for the Davis County Car Seat Program. Components of the program include classroom education, a booster seat campaign, a low-cost program, community checkpoints, and fitting stations. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2006-280 with Signature Exhibits for the Davis County Library was presented. The company will construct a 3D story book with seat at the Bountiful Branch Library. It is a payable in the amount of \$7,700.00. The Burton Family has made a contribution of \$5,000.00 for the construction. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Dave Hansen, Davis County Fair Park Director, presented agreement #2006-281 with the Jordon World Circus. This is an annual circus that comes to the Legacy Center. It is a receivable in the amount of \$2,000.00. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Dave Hansen presented agreement #2006-282 with the USDA Forest Service. During the time of the east Layton fire the forest service utilized the facilities of the Davis County fair park. The rate is set at \$275.00 per day. The contract began on September 14 and will remain valid through October 31, 2006. The Forest Services will only pay for the days of use. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2004-440A with PKS was presented for Valley View Golf Course. It is to extend the contract for the lease of the restaurant at Valley View Golf Course. Commissioner Hansen made a motion to approve. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Steve Rawlings, Davis County Clerk/Auditor, presented the following budget changes:
(1.) Increase line item 19-4219-281 (Communications) in the amount of \$15,000
(2.) Increase line item 19-4212-280 (Telephones) in the amount of \$50,000
(Unspent will roll into 2007 budget)

Match required for budget of contract with Department of Public Safety – Upgrade Dispatch to Phase 2

(1.) Increase line item 10-4210-253 (Vehicle Service) in the amount of \$50,000
(2.) Decrease line item 10-4230-110 (Payroll) in the amount of \$100,000
(3.) Decrease line item 10-4230-693 (Expense Reduction) in the amount of \$150,000
(4.) Increase line item 10-3422-020 (Jail Reimbursement) in the amount of \$100,000
Match required budget cuts per the Budget Committee guidance for FY 2006 in the Corrections Budget and increase Sheriff Vehicle Service to match requirements to operate law enforcement fleet for the remainder of the year due to unanticipated fuel costs

- (1.) Increase line item 23-4580-260 (Buildings & Grounds/Library) in the amount of \$50,000
- (2.) Decrease line item 23-2951-000 (Fund Balance/Library) in the amount of \$50,000

Increase revenue based on projection from Clerk/Auditor’s Office. The costs were higher than anticipated for the Kaysville remodel and repair of HVAC units at the North Branch Library.

- (1.) Increase line item 41-3870-000 (Conference Center Bond Proceeds) in amount of \$9,955,000
- (2.) Increase line item 41-3610-000 (Conference Center Interest) in amount of \$90,000
Premium/Discount net to interest revenue minus \$65,000 = net \$25,000
- (3.) Increase line item 41-4256-700 (Conference Center Expansion) in amount of \$600,000
- (4.) Increase line item 41-4256-800 (Conference Center Issue Costs) in amount of \$95,000

Commissioner McConkie made a motion to approve the budget changes as explained. Commissioner Hansen seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Donation to
Davis Soil
Conservation
District Board

Mr. Ben A. Thurgood, Chairman of the Davis Soil Conservation District has forwarded a letter to the Davis County Commission. On behalf of the Davis Soil Conservation District Board, they have requested support in the amount of \$2,000.00. The funds will be matched with district funds to help with the administration of conservation programs. As provided in section 17-50-303 Utah Code Annotated 1953 which allows for contributions it is determined that the contribution would contribute to the health and prosperity of county inhabitants. Commissioner McConkie made a motion to approve the \$2,000.00 contribution. Commissioner Hansen seconded the motion. All voted aye.

Commission
Minutes
Approved

Commissioner Hansen made a motion to approve the commission meeting minutes of September 12. Commissioner McConkie seconded the motion. All voted aye.

Check
Registers
Approved

Check registers as prepared by the Davis County Clerk/Auditor’s Office were presented. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Personnel
Register
Approved

Commissioner McConkie made a motion to approve the Personnel Register as presented. Commissioner Hansen seconded the motion. All voted aye.

Personal
Property Tax
Register
Approved

A Personal Property Tax Register as prepared by the Davis County Assessor was presented. Commissioner McConkie made a motion to approve. Commissioner Hansen seconded the motion. All voted aye.

Commissioner Hansen made a motion to convene as the Board of Equalization. Commissioner McConkie seconded the motion. All voted aye.

Property Tax
Register
Approved

Commissioner Hansen made a motion to approve the property tax register as presented. Commissioner McConkie seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Board of
Equalization
Property Tax
Appeal for
Glen Maughan

The following individuals attended the hearing:
Glen Maughan, Property Owner
Carol Rees, Davis County Assessor
James Ivie, Davis County Assessor’s Office

Glen Maughan appeared before the Board of Equalization to request a review of a greenbelt assessment for parcel #08-043-0090. Mr. Maughan provided information relating to his property and income. He states that he has 154 fruit trees. The birds striped all of the fruit from the trees before the fruit was even ripe in 2005. A frost in 2006 took the crop. He has been unable to realize any income from a fruit crop. Mr. Maughan does not own the acreage required but feels the 80% rule of income would apply.

Carol Rees and James Ivie provided pictures of the property to the commissioners for their review. The evaluation of the property does not meet criteria of greenbelt that they must use for their assessment. They recommend it be denied.

In review by the Davis County Attorney's Office of the materials provided by the petitioner the property is .8 acres. In 2004 the acreage produced no profit or income, but rather a \$20,000.00 loss. In 2005 the acreage produced no income, but rather a loss of \$15,000.00. There is no proof submitted by Petitioner that 80% or more of Petitioner's income is derived from agricultural products produced on the property in question. The land has not been valued on the basis of agricultural use for at least two years immediately preceding the tax year for which waiver is requested. Section 59-2-503 of the Utah Code requires Green Belt Land to be not less than five (5) contiguous acres in area. However, Subsection 4 states the following: "The Commission may grant a waiver of the acreage limitation upon appeal by the owner and submission of proof and that 80% or more of the owner's, purchaser's or lessee's income is derived from agricultural products produced on the property in question"

Commissioners McConkie made a motion to deny based on the finding of facts as presented by the Davis County Attorney's Office and the test of the law not meet. Commissioner Hansen seconded the motion. All voted aye.

Meeting adjourned.